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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/036,815 | 10/19/2001 | Wayne E. Fisher | M-11460 US | 4940 |

7590 01/08/2007
MICHAEL P. ADAMS
WINSTEAD SECHREST & MINICK P.C.
5400 RENAISSANCE TOWER
1201 ELM STREET
DALLAS,, TX 75270-2199

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| EXAMINER |
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LE, UYEN T

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| ART UNIT | PAPER NUMBER |
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2163

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 2 MONTHS | 01/08/2007 | PAPER |

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Technology Center 2100

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/036,815
Filing Date: October 19, 2001
Appellant(s): FISHER, WAYNE E.

Michael P. Adams
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 18 October 2006 appealing from the Office action mailed 26 August 2005.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. The rejection of claims 1-18 under 35 U.S. C. 112, first paragraph has been withdrawn because applicant's arguments regarding first and second portions of the IMS database have been fully considered and found persuasive.

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

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(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,745,748

AHMAD et al

4-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahmad et al (US 5,745,748) of record.

Regarding claims 1, 18, Ahmad discloses that it is well known in the art to store copies of database description for downloading to PC in an IMS environment before accessing remote IMS files (see column 6, lines 6-38).

Further evidence is also shown in column 12, lines 4-49 describing storing IMS file attributes for accessing a desired remote IMS file on a pre-designated computer by using a previously generated DBD table and mapping local DBD to the information on the remote computer.

Therefore, Ahmad clearly teaches storing a copy of the DBD at the remote computer containing the IMS database. Ahmad also clearly teaches storing the DBD at the local computer for later accessing the remote IMS database.

Ahmad further teaches that IMS databases are subject to frequent changes (Ahmad column 3, lines 13-14). Ahmad further teaches comparing said DBD copies to determine whether they are synchronized before each access to the database when Ahmad shows the local DBD is mapped to the information on the remote computer (Ahmad column 12, lines 41-48).

Although Ahmad does not specifically show that the DBD information at the remote computer is stored in a first portion of the IMS database as one or more database records, Ahmad clearly teaches storing the DBD as a record when Ahmad shows that DBD files are usually less than 40 Kilobytes (Ahmad column 11, lines 56-57). Therefore, since the DBD describes the physical structure of data (Ahmad, column 6, lines 17-20) and data on mainframe computer is subject to frequent changes (Ahmad, column 3, lines 13-14), maintaining the DBD file as a record in a first portion of the IMS database in order to ensure correctness of the physical structure of the data before access would have been prima facie obvious to one of ordinary skills in the art.

Regarding claim 5, although Ahmad does not specifically show that action has to be taken if said copy of the description and said description stored in said data management block are not synchronized, Ahmad clearly teaches halting execution when errors occur (Ahmad column 12, lines 14-17). Since incorrect database descriptions will likely cause problems, it would have been obvious to one of ordinary

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skill in the art to include taking actions in order to avoid problems arising from incorrect data descriptions.

Regarding claims 2, 9, although Ahmad does not specifically show comparing occurs before each access to said database, since the database description describes the physical structure of data and data is subject to frequent modifications, it would have been obvious to one of ordinary skill in the art to include comparing copies before each access to the database in order to ensure correctness of the physical structure of the data before each use.

Regarding claims 3, 10, since the database consists of records, it would have been obvious to one of ordinary skill in the art to store said copy of the database description within said database as one or more database records in the method of Ahmad in order to facilitate database maintenance.

Regarding claims 4, 11, although Ahmad does not specifically show a unique location dependent on said database organization, it is well known in the art that different databases possess different configuration. Therefore, it would have been obvious to one of ordinary skill in the art to include the claimed features in order to accommodate different database formats.

Regarding claims 6, 12, 15, although Ahmad does not specifically show alerting a user, since the method of Ahmad involves a user (see the abstract), it would have been obvious to one of ordinary skill in the art to include such features in order to allow user's intervention when necessary.

Regarding claims 7, 13, 16, although Ahmad does not specifically show suspending activity, it would have been obvious to one of ordinary skill in the art to include such features in order to prevent access to obsolete information.

Regarding claim 8, 14, 17, although Ahmad does not specifically show suspending activity until said description become synchronized, Ahmad clearly teaches halting execution when errors occur (see column 12, lines 14-7). Therefore, it would have been obvious to one of ordinary skill in the art to include such features in order to resume operation once problems are resolved.

(10) Response to Argument

Appellant argues that claims 1-18 are not properly rejected under 35 U.S.C. 103(a) as being unpatentable over Ahmad. In particular, appellant argues that

“the examiner only cites to column 6, lines 6-38 of Ahmad as supposedly
“teaching the claimed invention of claims 1-18. The examiner admits that Ahmad
“does not teach several of the claimed elements. However, the examiner has not
“provided sufficient evidence that Ahmad teaches at least one other fundamental
“limitation of appellant’s claims: storing a copy of said description for said IMS
“database within the database (see claim 1). Not only does the examiner not
“provide sufficient evidence for this limitation, the except in Ahmad cited by the
“examiner teaches away from this limitation. Ahmad describes the database
“description being stored in auxiliary files separate from the database.

In response, the examiner previously cited Ahmad column 6, lines 6-38 because that portion shows essential elements customary used in accessing an IMS database. In particular, Ahmad shows that before accessing remote IMS files, copies of the IMS Data Base Description (DBD), Program Specification Block (PSB), Program Control Block (PCB) are needed and preferably downloaded for the data access client program residing on the local computer.

Further evidence is shown in column 4, lines 39-55 describing DBD files are downloaded from the remote computer containing the IMS file and stored on the local computer.

Further evidence is also shown in column 11, line 42 to column 12, line 3 describing how conventional software is used to generate the database description DBD in IMS database systems.

Further evidence is also shown in column 12, lines 4-49 describing storing IMS file attributes for accessing a desired remote IMS file on a pre-designated computer by using a previously generated DBD table and mapping local DBD to the information on the remote computer.

Therefore, Ahmad clearly teaches storing a copy of the DBD at the remote computer containing the IMS database. Ahmad also teaches storing the DBD at the local computer for later accessing the remote IMS database.

Ahmad further teaches that IMS databases are subject to frequent changes (Ahmad column3, lines 13-14). Ahmad further teaches comparing said copies to

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determine whether they are synchronized when Ahmad shows the local DBD is mapped to the information on the remote computer (Ahmad column 12, lines 41-48).

Although Ahmad does not specifically show that the DBD information at the remote computer is stored in a first portion of the IMS database as one or more database records, Ahmad clearly teaches storing the DBD as a record when Ahmad shows that DBD files are usually less than 40 Kilobytes (Ahmad column 11, lines 56-57). Therefore, since the DBD describes the physical structure of data (Ahmad, column 6, lines 17-20) and data on mainframe computer is subject to frequent changes (Ahmad, column 3, lines 13-14), maintaining the DBD file as a record in a first portion of the IMS database in order to ensure correctness of the physical structure of the data before access would have been prima facie obvious to one of ordinary skills in the art.

In response to appellant's argument that "the except in Ahmad cited by the examiner teaches away from this limitation", the examiner respectfully disagrees. The auxiliary files containing information about the data mentioned in Ahmad column 6, lines 15-19 do not necessarily refer to the information about the data stored at the remote computer containing the IMS files. The auxiliary files could reasonably also refer to the DBD file stored at the local computer in Ahmad. Furthermore, there is absolutely no evidence in Ahmad that the auxiliary files containing the information about the data and the IMS files are stored in separate databases as assumed by appellant.

Appellant presents no further arguments regarding dependent claims.

(11) Related Proceeding(s) Appendix

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No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Uyen Le

5 January 2007



Conferees:

Tim Vo



Hosain Alam